

FCC:

**Comments in Response to Localism Notice of Proposed Rulemaking
MB Docket No. 04-233**

I submit the following comments in response to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any new FCC rules, policies or procedures must not violate First Amendment rights. A number of proposals discussed in the NPRM, if enacted, would do so – and must not be adopted.

(1) The FCC must not force radio stations, especially religious broadcasters, to take advice from people who do not share their values. The NPRM's proposed advisory board proposals would impose such

unconstitutional mandates. Religious broadcasters who resist advice from those who don't share their

values could face increased harassment, complaints and even loss of license for choosing to follow their own

consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster,

particularly a religious broadcaster, must present.

(2) The FCC must not turn every radio station into a public forum where anyone and everyone has

rights to air time. Proposed public access requirements would do so – even if a religious broadcaster

conscientiously objects to the message. The First Amendment forbids imposition of message delivery

mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice

of programming, especially religious programming, is not properly dictated by any government agency – and

proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal

review of certain classes of applicants by the Commissioners themselves would amount to coercion of

religious broadcasters. Those who stay true to their consciences and present only the messages they

correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings.

(5) Many Christian broadcasters operate on tight budgets, as do many smaller market secular stations. Keeping the electricity flowing is often a challenge. Yet, the Commission proposes to further

squeeze niche and smaller market broadcasters, by substantially raising costs in two ways: (a) by requiring

staff presence whenever a station is on the air and, (b) by further restricting main studio location choices.

Raising costs with these proposals would force service cutbacks – and curtailed service is contrary to the

public interest.

We urge the FCC not to adopt rules, procedures or policies discussed above.

Thank you!

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